

**To:** McWhirter, Lisa[McWhirter.Lisa@epa.gov]  
**From:** Albright, David  
**Sent:** Thur 9/3/2015 6:37:17 PM  
**Subject:** RE: Outline for Response Letter to DOGGR re July 15 and 31

Thanks for putting this together, Lisa. We sent a response on July 27<sup>th</sup> that covered some of this, I think. Let's discuss Tuesday. I'll send you an invitation.

**From:** McWhirter, Lisa  
**Sent:** Thursday, September 03, 2015 11:15 AM  
**To:** Albright, David  
**Subject:** Outline for Response Letter to DOGGR re July 15 and 31

Hi David,

I went back through my notes and here's a list of items we may want to address in our response letter:

- Acknowledge receipt of July 15 & 31 Letters and attachments
- HTAE preliminary analysis
- Implementation Plan
- Public Process
- Category 2 well evaluations
- Summarize our conversations with DOGGR/WB per our August 19 meeting
- Preliminary Assessment of the 11 HTAE
  - One may not be a USDW; TDS is greater than 10,000 mg/l
  - Five of the HTAE aquifers are not being used; no injection activities
  - None of the 10 HTAE meet the AE exemption criteria

- When will final assessment/determination be made? Due in November 2015
- Class II program improvements plan
  - Letter of expectations (do we need this?)
  - Summary of reorganization (new positions; consolidation of districts)
  - What is the WB's role in project by project review?
  - Cypress Report (completed but going through finalization; DOGGR indicated it would be ready by end of August/ early September)
- AE public process
  - Note: I don't think we had many comments on this other than did the State expect EPA to participate in the public hearings? – may not need to address public process other than it's acceptable; no issues?
- Additional data and/or analysis re Category 2 well evaluations
  - EPA expected to receive a spreadsheet similar to Category 1 wells
  - Need justification/analyses for DOGGR/WB's assertion that most of the wells do not impose risk or impacts to drinking water
- Mention milestones & key dates; echo back dates & deadlines mentioned in the July 15 letter
- October 15, 2015 - shut in date for Class II disposal wells injecting into non-hydrocarbon bearing formations that have less than 3,000 mg/l TDS
- November 2015 – deadline to finalize HTAE aquifers – which operators need an exemption to continue to operate—do we need something official in writing from DOGGR/WB?
- November 2015 – draft rulemaking (Class II program)

I am not sure how detailed you would like this response letter to be—we can keep it more general or provide some details of what we would like to see from DOGGR—just thoughts.

Thanks,

Lisa

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